

MEMORANDUM

December 20, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: STEPHEN COYLE, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF CITY SQUARE ELDERLY HOUSING, INC.

On July 12, 1984, the Authority conducted a public hearing to consider the above-captioned Application and after the hearing was closed, voted to authorize the Chief General Counsel to prepare a favorable Report and Decision.

The Project Area consists of two parcels of land on Warren Street in the Charlestown section of Boston. The former St. Mary's School is on the first parcel and it has not been used since 1973. This five-story building will be completely renovated. The second parcel is presently owned by the Authority and the Applicant has been tentatively designated as the redeveloper. A garage is being relocated from this site and newly-constructed four and seven-story buildings will replace the garage.

The Project consists of the acquisition of the beforementioned parcels, the renovation of the former school, and the construction of the additions which will provide one hundred and twenty units of housing for the elderly and handicapped with one of those units for a manager.

Two requirements have been incorporated into the Report and Decision obligating the Applicant to submit to the Director: (1) satisfactory evidence that an additional nineteen permanent parking spaces will be available to serve the Project, and (2) a satisfactory tenant selection policy.

The Authority staff have reviewed the application and related documents and have found that there is sufficient evidence in support of the Project to make these findings and determinations necessary to proceed with the approval of the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of City Square Elderly Housing, Inc., for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, As Amended, and Chapter 652 of the Acts of 1960, As Amended, to be Undertaken and Carried Out by a Charitable Corporation Organized Pursuant to Massachusetts General Laws, Chapter 180 and Approval to Act as an Urban Redevelopment Corporation Under said Chapter 121A" be and hereby is approved and adopted.

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF CITY SQUARE ELDERLY HOUSING, INC. FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 180, AND APPROVAL TO ACT AS AN URBAN DEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on July 12, 1984 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated April 30, 1984 (hereinafter called the "Application"), filed by City Square Elderly Housing, Inc., for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on July 5, 1984, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Joseph J. Walsh, James K. Flaherty, Clarence Jones and William A. McDermott, Jr., were present at the hearing.

B. The Project. The proposed development area is located on approximately 32,151 square feet of land and is comprised of two contiguous parcels on Warren Street in the Charlestown section of the City of Boston.

A full metes and bounds description can be found in the Application, and more particularly shown on a location map marked as Appendix 1 to the Application.

The development area consists of two parcels. One parcel is owned by the Roman Catholic Archdiocese of Boston, a corporation sole, and is the site of a vacant school building, the former St. Mary's School. The second parcel, Disposition Parcel P-12B in the Charlestown Urban Renewal Project Area (Mass. R-55), is owned by the Authority which has tentatively designated the Applicant as the redeveloper of the site. The Applicant expects to acquire both parcels upon approval of the Application and initial closing of the Applicant's mortgage loan.

The Project will be comprised of a single building consisting of the renovated five-story school building which presently exists on the site and a four-story and seven-story newly constructed additions thereto which together will contain one hundred twenty (120) dwelling units for elderly and handicapped persons as follows: thirty-one (31) studios and eighty-nine (89) one-bedroom units. The existing building will contain thirty-one (31) units and eighty-nine (89) units will be contained in the new additions. The Project will contain no commercial space.

Tenant amenities will include a function/dining room, kitchen, mailroom and laundry room. Parking for five (5) automobiles will be provided on the site. All of the one hundred twenty (120) dwelling units which will constitute the Project upon completion will provide housing for low- and moderate-income elderly and handicapped persons by virtue of a commitment by the United States Department of Housing and Urban Development ("HUD") to provide rental subsidy funds to the Applicant for the entire Project. The Project will be constructed, operated, and maintained in accordance with the applicable

laws and regulations governing non-profit projects for the elderly and handicapped financed by HUD pursuant to Section 202 of the Housing Act of 1959, as amended, as long as a loan from HUD is outstanding on the Project.

Attached to this Application as Appendix 2 is a site plan for the Project Area. There is also incorporated into the Application as Appendix 3 floor plans and elevations for the buildings and in Appendix 15 outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped.

The Project Area is blighted, decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because the area is part of the Charlestown Urban Renewal Project Area (Mass. R-55), declared under Chapter 121B of the General Laws to be a blighted, decadent and substandard area on February 25, 1965. The Project Area, itself, is presently a decadent and substandard area. The area consists of two parcels. The former St. Mary's School sits on the first parcel. This building was vacated in June, 1973

when the school was closed. The structure has remained vacant since that time, and, having forgone maintenance, is in need of repair. In order to be recycled, the building needs major renovations. Plans call for entirely new heating, ventilation, plumbing and electrical systems; a new roof; repointing of the exterior; and the replacement of all the windows. The second parcel is Disposition Parcel P-12B of the Authority which was the site of a garage. The existing structure is an unsightly concrete building which is extremely dilapidated and much of the building has been boarded up for several years. To the north, the neighborhood immediately surrounding the Project area is predominantly residential. The land to the south is either vacant or the site of vacant buildings; much of the street and sidewalk areas are in extremely poor condition.

The Project Area links these two areas and forms part of the entry into City Square from the highway. Hence, the location of the Project Area is very sensitive. Its redevelopment is crucial to the overall health and stability of the City Square neighborhood. In its present condition, the site will impede improvement of the area and will encourage further encroachment of decay into the residential neighborhood. Rehabilitated into a housing development for the community's elderly, the Project Area will become a pivotal piece of City Square's rejuvenation.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached in Appendix 5 to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicant to the City of Boston shall be calculated pursuant to a Section 6A contract to be approved and executed by the City of Boston, which shall be substantially in accordance with the tax letter, dated July 2, 1984, incorporated herein by reference.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately Six Million Ninety Thousand Four Hundred Forty-Seven (\$6,090,447) Dollars. A direct loan for the amount necessary to cover the entire replacement cost of the Project will be provided by HUD pursuant to Section 202 of the U.S. Housing Act of 1959, as amended. Pursuant to Section 8 of the U.S. Housing Act of 1937, as amended, rental subsidies will be provided for the entire Project during the term of the loan. The Applicant has received a commitment from HUD for the issuance of mortgage financing which is contained in a letter to the Applicant dated September 28, 1984, which is incorporated herein by reference. The total replacement cost of the Project and the loan amount for construction and permanent financing are delineated in the "Supplement to Project Analysis" attached in Appendix 5 to the Application.

The Applicant has been advanced working capital by the Planning Office for Urban Affairs, Inc. ("POUA"), as is required to bring the Project to a loan closing, at which time POUA will be reimbursed. Funds advanced by POUA are unsecured loans and will be repaid only if money is available from the federal loan. The Applicant has borrowed no other funds nor is any additional financing contemplated.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project: City Square Elderly Housing, Inc.; U.S. Department of Housing and Urban Development; and Planning Office for Urban Affairs, Inc., a Massachusetts charitable corporation, and Cooperative Services, Inc., a Michigan non-profit cooperative corporation, both pursuant to an "Agreement of Joint Venture", as amended, which is set forth in Appendix 15 to the Application.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated and constructed within the Project Area have been reviewed by the Design Review Staff of the

Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish much needed housing in the Charlestown section of the City. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. . During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area. The Project will, however, replace an unused school playground with passive recreation space for the residents thereof.
2. The Project is not expected to adversely affect any archaeological or historical site, structure, or feature. The Applicant has undertaken an archaeological investigation of the site and the results indicate little likelihood of any significant archaeological resources being uncovered.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.

4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposals of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants. Adjacent sensitive receptors may be adversely affected temporarily during construction unless proper mitigation measures are implemented.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment. To meet the parking requirements of the Project, temporary parking will be provided on adjacent land until such time as permanent parking can be secured off-site.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the Applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting of interior or exterior surfaces, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

Should any archaeological resources be uncovered during site excavation, the Applicant shall immediately cease work at the location and shall consult with the Massachusetts State Archaeologist to determine further procedures to be followed to preserve any significant resources before proceeding further with excavation or other work at the location.

In order to mitigate any adverse impact from the deficiency of parking within the Project Area, the Applicant shall secure a minimum of nineteen (19) spaces off-site for the exclusive use of the Project residents.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Appendix 15 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Appendix 15 to the Application, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the

Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) enter into a contract with the City of Boston pursuant to the General Laws, Chapter 121A, Section 6A consistent with the tax letter, dated July 2, 1984, and containing such other terms as the City may in its discretion deem necessary and appropriate; (3) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; (4) adhere to such design review controls and requirements as the Authority may in its discretion impose, and (5) pay to the Authority the filing fee for the Application of Two Thousand Five Hundred (\$2,500.00) Dollars as required by Rule 1 (D) of the Rules and Regulations of the Authority at the earlier of the initial closing of the HUD mortgage for the Project or three years from and after April 3, 1984.

Further, the Authority recognizes that additional parking spaces will be required for the Project and that a tenant selection policy will be established and implemented by the Applicant. Consistent therewith, the approval of the Project, as herein granted, is subject in all respects to the following requirements, (1) the Applicant providing evidence which is satisfactory to the Director of the Authority that at least nineteen (19) additional permanent parking spaces for the exclusive of the Project residents will be provided outside the Project Area, and (2) the Applicant providing a tenant selection policy which is satisfactory to the Director of the Authority. In the event that the conditions contained in this paragraph are not complied with, then the action of the Authority, as contained in this Report and Decision, will be null and void, without further action on the part of the Authority.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, General Laws, Chapter 138.

J. Zoning Code Deviations. Appendix 10, filed with and attached to, the Applicant lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby approves the zoning deviations as listed below and finds that such deviations are necessary for carrying out the total Project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations.

The Project is in an L-1 district adjacent to an H-1 district. The following deviations from the Boston Zoning Code are granted:

Sections 14-1, 14-2. Minimum Lot Size

Required: 124,000 sq.ft.

Provided: 32,151 sq.ft.

Section 15-1. Floor area ratio

Maximum: 1.0

Provided: 2.9

Section 16-1. Height of building

Maximum: 3 stories, 35 feet

Provided: 7 stories, 64 feet

Section 17-1. Usable open space

Required: 400 sq.ft. per dwelling unit (48,000 sq.ft.)

Provided: 74.6 sq.ft. per dwelling unit (8,590 sq.ft.)

Section 18-1. Front yard (on Warren Street)

Required: 20'

Provided: Varies - 0 feet to 14 feet

Section 18-3. Traffic visibility across corner

Required: No structure permissible within triangular area measuring 30 feet on Warren Street and 30 feet on Winthrop Street.

Provided: Existing structure intrudes on triangular area.

Section 19-6. Side yards

Required: 10 feet

Provided: 5 feet on Park Street; 2 feet on Winthrop Street

Section 20-5. Rear yard

Required: 30 feet

Provided: 14 feet at smallest depth

Section 23-1. Off-street parking

Required: 24 spaces

Provided: 5 spaces on lot and 19 spaces on ancillary lot

Section 8-7(71). Ancillary parking is a conditional use.

K. Duration of Period of Tax Exemption. Pursuant to General Laws, Chapter 121A, Section 10, as amended, the Applicant has requested that the initial fifteen (15) year period of the exemption from property taxation be extended for an additional period of twenty-five (25) years. The request was based upon the Project's receipt of direct mortgage financing from the HUD pursuant to Section 202 of the U.S. Housing Act of 1959, as amended, and, the receipt of rent subsidies under Section 8 of the U.S. Housing Act of 1937, as amended, for the construction and maintenance of a housing facility for the elderly and handicapped. Such twenty-five (25) year extension is hereby granted.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.